

lent within the judicial districts; and, in the second place, to make the judge re-eligible. The gentleman says the judge will become a politician. I know of no better way to make a judge a politician than to let him down from the bench among the people at large, at a time when he may become a candidate for all the offices that may come up. The Executive chair, U. S. Senator, Congress, and every other office of prominence will then be in his eye, and he will be a candidate for some one of these places, and you will make him so by your constitutional restrictions; for by disqualifying him from re-election to the judgeship, you throw him among the people to become a politician. If you wish to make him independent, the best possible way to do it will be to keep him where he is, and where it is to be supposed he has fitted himself to discharge his duties. Being re-eligible to the judgeship would not make him less of a politician, while on the other hand it will certainly increase his desire to be a candidate for other high political offices.

By the time a man has served upon the bench for ten years, I rather think he will have proved himself either a very good or a very bad judge. There can be no doubt about this. As he grows older he will become a wiser judge. He will have improved himself in the practice and knowledge of the law, adapted himself to the judicial wants of the people, and to their habits and dispositions, and will either have acquired a reputation for being an honest, impartial, and excellent judge, or a very bad one. I think that if he proves himself an excellent judge, the people ought to have the constitutional right guaranteed to them of re-electing him. If he turns out to be an indifferent judge, one that has not the confidence of the people, you may rely upon it that the people will take the matter into their own hands, and refuse to re-elect him.

I am sure gentlemen have not thought of this matter. They should study more attentively the springs of human action and the principles of the human heart; and when they have learned these principles thoroughly, I think they will change their views in relation to the re-eligibility of judges.

I am not well enough, Mr. President, to discuss the question more at length. I throw out these intimations in the hope that some other gentleman who agrees with me (and I am sure there are a large number who do) will take my place and argue the subject more fully.

Mr. CHAMBERS, of Kent, then obtained the floor, but yielded to

Mr. HICKS, who merely desired to state, in order that it might be understood by the Convention, that if the words "shall not be re-eligible" should be added to the section, he should afterwards move to strike out, in the twelfth line.

Mr. CHAMBERS said: Mr. President, I rise to say a few words as a finale to this subject, now passing from our consideration, with no hope, I admit, of effecting any change in the opinion of members of this body. It has been truly said there are certain propositions which will be received by the human mind as true, upon the mere statement of them; or which, if not at once

accepted as true, can never be demonstrated to the conviction of the person who may not thus readily receive them by any argument which can be urged. Their reception or rejection must depend upon the mode of thinking and tone of mind, which have been produced by the peculiar kind of moral culture, in which we have been educated. Thus, for illustration, if a man does not at once, upon the mere statement of the position, consent to the truth that fraud or falsehood is a vice to be condemned, your arguments to prove it will be fruitless. No logic or eloquence will produce conviction. I have seen, sir, in the course of my life, so much of political prejudice and partiality, so much of decided conviction, on both sides of political questions, so little influence from argument, as to believe there is much analogy in this respect between our moral and our political perceptions. If a man has been educated in a certain school, has indulged in a particular course of thought, associated with persons of the same modes of judging, he will receive as a political truism, a proposition which a political adversary will reject, as palpably false. In such a condition of mind, neither of these antagonists will be persuaded by any reasons which may be offered, to see or to acknowledge his error. I fear this is our condition. I say *our*, because I am as sensible of my own infirmities, as I am that others feel the same weakness. The error may be with me, but, Mr. President, unconscious as I am of any prejudice on this subject, believing, as I most sincerely do believe, that my opinions are sanctioned by reason and observation, I speak what, according to my most deliberate convictions, are the "words of truth and soberness." I have very lately tasked the kind patience of the Convention in a long argument to show the propriety of adopting a system calculated to secure the independence of your judges, who are to guard the persons, protect the property, sustain the reputation, secure the rights and all the interests of your citizens, in a word, to uphold the well-being of every portion of society. I have endeavored to demonstrate the propriety of having this arm of the government independent of every influence that could affect human judgment, or human conduct, except only the influence of that feeling which prompts every right minded man to desire the approbation of the wise and the good, the comfort of a quiet and peaceful conscience, and the favor of his God.

Mr. BRENT, of Baltimore city, said: I am surprised to hear the gentleman from Kent (Mr. Chambers) considers this as one of those questions of moral right which any man of correct moral sense ought to understand without argument.

Mr. CHAMBERS. Does the gentleman say I said that?

Mr. BRENT. You illustrated it in that way by analogy.

Mr. CHAMBERS. The gentleman has most egregiously mistaken me. I neither said so nor intimated, nor desired to say so.

Mr. BRENT. It is very unfortunate that the gentleman expressed himself in a manner in which